

**IN THE UNITED STATES DISTRICT COURT  
OF THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

**WANDA L. ORTIZ**

**Plaintiff**

**V.**

**COMMISSIONER OF SOCIAL  
SECURITY ADMINISTRATION**

**Defendant**

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**No. 5:12CV95**

**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge which contains her proposed findings of fact and recommendations for the disposition of such action has been presented for consideration. No objections to the Report and Recommendation were filed. The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court. Accordingly, it is hereby

**ORDERED** that Defendant's Motion and Brief to Remand (Dkt. No. 11) is hereby **GRANTED**. It is further

**ORDERED** that Plaintiff's above-entitled and numbered civil action is **REVERSED and REMANDED** under the fourth sentence of the Social Security Act, 42 U.S.C. § 405(g), to the Commissioner of the Social Security Administration for further administrative proceedings before an Administrative Law Judge ("ALJ"). It is further

**ORDERED** that on remand an ALJ will re-assess Plaintiff's residual functional capacity,

including making specific findings of fact regarding Dr. Wallace's October 2008 mental functional capacity opinions and addressing the claimant's ability to maintain employment for a significant period of time. If necessary, the ALJ will obtain vocational expert testimony to assess the impact of Plaintiff's mental limitations on the available occupational base. It is further

**ORDERED** that all motions not previously ruled on are **DENIED**, and the referral order is **VACATED**.

**It is SO ORDERED.**

**SIGNED this 21st day of May, 2013.**

  
MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE